

REMARKS

This Amendment is submitted in response to the outstanding Office Action dated March 29, 2004 wherein the Examiner rejected claims 1-4, 8-10, 13-15, 22, 24, 26, 27 and allowed claims 5-7, 11, 12, 16-18, 21 and 23. Applicants respectfully traverse the rejections for the reasons stated below.

The rejection under 35 USC Section 102e over Tovinkere et al.

The Examiner rejected claims 1, 3-4, 8, 10, 13-15, 22, 24 and 26-27 as being unpatentable under 35 USC Section 102(e) over US Patent number 6,678,635 to Tovinkere et al. ("Tovinkere"). Applicants respectfully traverse this rejection on the grounds that Tovinkere is not a proper reference under 35 USC 102e because it has a filing date of Jan. 23, 2001 which is after Applicants' priority date of November 13, 1998. Applicants respectfully submit that Applicants' application claims priority to application Ser. No. 09/191,598, having a filing date of November 13, 1998 as acknowledged in Applicants' filing receipt which was mailed by the United States Patent and Trademark Office on September 5, 2001. Accordingly the Tovinkere reference is not a proper reference because its earliest filing date of Jan. 23, 2001 is after Applicants' priority date of November 13, 1998. Accordingly, Applicants respectfully submit that the claims are allowable over this reference.

The rejection Under 35 USC Section 102 over Hoffberg et al.

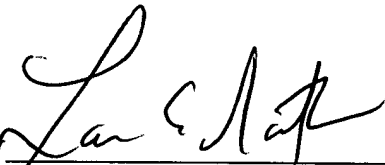
The Examiner rejected claims 1, 3-4, 8, 10, 13-15, 22, 24 and 26-27 as being unpatentable under 35 USC Section 102(e) over US Patent number 6,640,145 to Hoffberg et a. ("Hoffberg"). Applicants respectfully traverse this rejection on the grounds that Hoffberg is not a proper reference under 35 USC 102e because it has a priority filing date of Feb. 1, 1999 which is after Applicants' priority date of November 13, 1998. Applicants respectfully submit that Applicants' application claims priority to application Ser. No. 09/191,598, having a filing date of November 13, 1998 as acknowledged in Applicants' filing receipt which was mailed by the United States Patent and Trademark Office on September 5, 2001. Accordingly, the Hoffberg reference is not a proper reference because its earliest priority filing date of Feb. 1, 1999 is after Applicants' priority date of November 13, 1998. Accordingly, Applicants respectfully submit that the claims are allowable over this reference.

The rejection Under 35 USC Section 103 over Tovinkere in view of Nishikawa

The Examiner rejected claims 2 and 9 under 35 USC Section 103a as being unpatentable over Tovinkere in view of Nishikawa et al. (US Pat. No. 6,348,932 "Nishikawa"). Applicants respectfully traverse this rejection for the reasons stated above with respect

to Tovinkere being an improper reference and because Nishikawa is also an improper reference. Applicants respectfully submit that Nishikawa also has a filing date of March 1, 1999, which is after Applicants' priority date of November 13, 1998. Accordingly, Applicants respectfully submit that these claims are also allowable. Entry of this amendment reconsideration of the rejections and allowance of all the claims is respectfully requested.

Respectfully submitted,



By
Laurie E. Gathman, Reg.37,520
Attorney
(914) 333-9605

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

On April 30, 2004

By Catherine M. Clark